

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

CASE NO.: 3:22-cv-00310

BLACK + GOLD CORPORATION,

Plaintiff,

v.

SOLOMON ACQUISITIONS, LLC fka
THREADFELLOWS, LLC,

Defendant.

COMPLAINT FOR COPYRIGHT INFRINGEMENT
(INJUNCTIVE RELIEF DEMANDED)

Plaintiff BLACK + GOLD CORPORATION by and through its undersigned counsel, brings this Complaint against Defendant SOLOMON ACQUISITIONS, LLC fka THREADFELLOWS, LLC for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff BLACK + GOLD CORPORATION (“BGC”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute BGC’s original copyrighted Work of authorship.

2. BLACK + GOLD CORPORATION is a creative social media and photography marketing agency. BGC's goal is to elevate brand narratives with custom photography and grow social media accounts through a curated, data-driven approach to management. BGC’s full suite of services also includes social media ad management and micro-influencer development, and social content production. It works with brands spanning a diverse range of consumer product goods, from fashion to beauty to wellness and beyond.

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3. Defendant SOLOMON ACQUISITIONS, LLC FKA THREADFELLOWS, LLC (“Solomon”) is an online retail store specializing in men and women apparel. At all times relevant herein, Solomon owned and operated the internet website located at the URL <https://threadfellows.com/> (the “Website”).

BGC alleges that Solomon copied BGC’s copyrighted Work from the internet in order to advertise, market and promote its business activities. Solomon committed the violations alleged in connection with Solomon’s business for purposes of advertising and promoting sales to the public in the course and scope of the Solomon’s business.

JURISDICTION AND VENUE

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

7. Defendant is subject to personal jurisdiction in Wisconsin.

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendant engaged in infringement in this district, Defendant resides in this district, and Defendant is subject to personal jurisdiction in this district.

DEFENDANT

9. Solomon Acquisitions, LLC fka Threadfellows, LLC is a Wisconsin Limited Liability Company, with its principal place of business at 2222 Pleasant View Road, Unit 1, Middleton, WI 53562, and can be served by serving its Registered Agent, Berndt CPA LLC, 2009 Beltline Highway, Suite 100, Madison, WI 53713.

THE COPYRIGHTED WORK AT ISSUE

In 2017, BGC created the photograph entitled “1376_Rhone1288”, which is shown below and referred to herein as the “Work”.



BGC registered the Work with the Register of Copyrights on April 11, 2018 and was assigned the registration number VA 2-098-383. The Certificate of Registration is attached hereto as Exhibit 1.

BGC’s Work is protected by copyright but is not otherwise confidential, proprietary, or trade secrets.

13. At all relevant times BGC was the owner of the copyrighted Work at issue in this case.

INFRINGEMENT BY DEFENDANT

14. Solomon has never been licensed to use the Work at issue in this action for any purpose.
15. On a date after the Work at issue in this action was created, but prior to the filing of this action, Solomon copied the Work.
16. On or about January 28, 2020, BGC discovered the unauthorized use of its Work on the Website.
17. Solomon copied BGC's copyrighted Work without BGC's permission.
18. After Solomon copied the Work, it made further copies, cropped, and distributed the Work on the internet to promote the sale of goods and services as part of its online retail store.
19. Solomon copied and distributed BGC's copyrighted Work in connection with Solomon's business for purposes of advertising and promoting Solomon's business, and in the course and scope of advertising and selling products and services.
20. Solomon committed copyright infringement of the Work as evidenced by the documents attached hereto as Exhibit 2.
21. BGC never gave Solomon permission or authority to copy, distribute, make derivative works of, or display the Work at issue in this case.
22. BGC notified Solomon of the allegations set forth herein on June 1, 2021, and to date Solomon has failed to respond to Plaintiff's Notices.

COPYRIGHT INFRINGEMENT

23. BGC incorporates the allegations of paragraphs 1 through 22 of this Complaint as if fully set forth herein.

24. BGC owns a valid copyright in the Work at issue in this case.

25. BGC registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

26. Solomon copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without BGC's authorization in violation of 17 U.S.C. § 501.

27. Solomon performed the acts alleged in the course and scope of its business activities.

28. Solomon's acts were willful.

29. BGC has been damaged.

30. The harm caused to BGC has been irreparable.

WHEREFORE, Plaintiff Black + Gold Corporation prays for judgment against the Defendant Solomon Acquisitions, LLC fka Threadfellows, LLC that:

a. Defendant and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

b. Defendant be required to pay Plaintiff its actual damages and Solomon's profits attributable to the infringement, or, at Plaintiff's election, statutory damages, as provided in 17 U.S.C. § 504;

Plaintiff be awarded its attorneys' fees and costs of suit under the applicable statutes sued upon;

d. Plaintiff be awarded pre- and post-judgment interest; and

e. Plaintiff be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues so triable.

DATED: May 31, 2022

Respectfully submitted,

/s/Joel B. Rothman

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